

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY
AND
THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

Taken Up WRIT PETITION NO.9538 OF 2007

-
Dated 23.5.2007

Between

Pethani Jayalakshmi.

.... petitioner

And

The Station House Officer,
Railway Police Station,
Rajahmundry, East Godavari District and
two others.

.. Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY
AND
THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

Taken Up WRIT PETITION NO.9538 of 2007

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ORDER: (Per Sri BSSR.J)

This taken up writ petition has been entertained basing on the telegram issued by one Pethani Jayalakshmi of Kommuchitkala Village, West Godavri District. The text of the telegram is one Smt.Donga Venkata Narasamma, W/o Syamala Rao is illegally detained by the railway police, Rajahmundry.

Sri S.B.V.Subhakar, Sub-Inspector of Police, Railway Police

Station, Rajahmundry, the 1st respondent herein has filed a counter affidavit. It is stated in the counter affidavit that the alleged detenu is not in the illegal custody and that she is moving freely and at present she is residing in her sister's house at Neggipudi Village, Penumantra Mandal, West Godavari District.

For better appreciation, we may refer to para 5 of the counter affidavit, which reads as under;

“It is further submitted that as stated supra, the 1st respondent police never in any manner illegally detained the alleged detenu. As the alleged detenu not in illegal custody and she is moving freely and at present she has been residing in her sister's house at Neggipudi Village, Penumantra Mandal, West Godavari District, the 1st respondent police made a requisition on 10.5.2007 to the Mandal Executive Magistrate-cum-Tahsildar, Penumantra Mandal to record the statement of the alleged detenu. The Mandal Executive Magistrate-cum-Tahsildar, Penumantra Mandal on 11.5.2007 on such production of the alleged detenu before him, caused enquiries by examining her relatives, recorded her statement. The alleged detenu in her statement categorically stated that at no point of time she was illegally detained by the 1st respondent police and she has been residing at her sister's house at Neggipudi Village. She also stated that she is moving freely by attending her day-to-day work. The copy of the statement of the alleged detenu dated 11.5.2007 is filed herewith as material paper for kind perusal of the Hon'ble Court.”

It is also stated in the counter affidavit that on enquiry, the petitioner is stated to have denied of sending any telegram, which formed the

basis for registering this taken up writ petition. When such is the situation, no further orders need be passed in this writ petition and it is accordingly closed.

B.SESHASAYANA REDDY,J

Dated 23.5.2007

C.V.NAGARJUNA REDDY,J

msv